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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,512	07/08/2005	Takashi Fukutomi	OGW-0371	1667

7590 08/10/2007  
Patrick G. Burns  
Greer, Burns & Crain, Ltd.  
300 South Wacker Drive, Suite 2500  
Chicago, IL 60606

EXAMINER
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FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1733

MAIL DATE	DELIVERY MODE
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08/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 10/541,512	<b>Applicant(s)</b> FUKUTOMI ET AL.	
	<b>Examiner</b> Justin R. Fischer	<b>Art Unit</b> 1733	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 14 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-5.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

Justin R Fischer  
Primary Examiner  
Art Unit: 1733

**Continuation of 11:** Applicant argues that Kanenari is directed to the inclusion of fibrillated fibers in a solid rubber component, as opposed to the liquid/adhesive component of Suga and the claimed invention. As set forth in the previous communications, Kitamura and Kanenari evidence the known use of short fibers/fibrillated fibers in a wide variety of tire components, including solid rubber components and liquid/adhesive layers. In view of the prior art, one of ordinary skill in the art at the time of the invention would have been amply motivated to include such fibers in the liquid/adhesive layer of Suga (provides increased reinforcement characteristics).

With respect to the dimensions of the fibrillated fiber, a fair reading of Kanenari does not suggest that the disclosed dimensions are not applicable to adhesive/sealant layers. It is agreed that Kanenari fails to expressly disclose an adhesive/sealant layer; however, the reference more broadly teaches the general use of fibers having the claimed dimensions in the tire industry (the claimed dimensions are consistent with those used in the tire industry). Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to include the fibrillated fibers of Kanenari in the adhesive/sealant of Suga.

Lastly, applicant points to Table 1 to establish a showing of unexpected results. However, the results are not persuasive. In particular, the only relevant comparison is between Application Example 1 and Comparative Example 6 (additional examples have differences in composition or thickness or are taught away by prior art (Comparative Example 5). In this instance, the respective examples have good processability and

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only differ slightly in seal performance. The data in Table 1 does not provide a "conclusive showing" of results for the claimed range between 100 and 5,000 microns.

As detailed above, the data provides a single inventive example that only demonstrates a slight improvement in seal performance over the relevant comparative example. A more persuasive showing of unexpected results might include additional experiments including fibers having a diameter closer to 100 microns (e.g. 200 microns).

A handwritten signature in black ink, appearing to read "Justin R Fischer". The signature is fluid and cursive, with the first and last names being more prominent.

Justin R Fischer  
Primary Examiner  
Art Unit 1733

JRF  
August 8, 2007